



San Diego City Attorney MICHAEL J. AGUIRRE

NEWS RELEASE

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UNITED STATES SUPREME COURT DENIES DE LA FUENTE PETITION; CITY NOT LIABLE FOR \$150 MILLION PAY OUT

San Diego, CA: In another major victory for San Diego taxpayers, the U.S. Supreme Court declined developer Roque de la Fuente's petition for certiorari in which he sought to have his \$94.5 million verdict reinstated against the City of San Diego. With the inclusion of court costs, interest, and fees, the original judgment had grown to \$150 million.

On January 3, 2007, the California Supreme Court declined to review a lower court's ruling which had overturned de la Fuente's \$94.5 million verdict against the City.

The majority of the multi-million dollar jury verdict of 2001 against the City has now been permanently eliminated. De la Fuente had sued the City for allegedly a breaching development agreement with his Otay Mesa Border Business Park and for taking property without compensation, seeking the following damages:

Airport Planning Claim -\$25.5 million
Truck Traffic Claim - \$39.8 million
Developer Agreement Claim – \$29.2 million

"We have now put to rest the bulk of de la Fuente's claims against the City and taxpayers of San Diego," said City Attorney Michael Aguirre.

The case was appealed by the City utilizing outside counsel Horvitz & Levy and Latham & Watkins.

"The City Attorney provided critical strategic advice on the presentation and oral argument of the appeal," said Kristine Wilkes, outside counsel.

A new trial will be held on the alleged breach of developer agreement claim (\$29.2 million) against the City, which the City Attorney's Office will also vigorously defend.

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